

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

FREDDIE L. BYERS, JR.,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 3:08cv0240 AS
	)	
SUPERINTENDENT, WABASH	)	
VALLEY CORRECTIONAL FACILITY,	)	
	)	
Respondent.	)	

**OPINION AND ORDER**

Freddie L. Byers, Jr., by counsel, filed a notice of appeal along with a request for a certificate of appealability (Doc. Nos. 29 and 31) appealing this Court's March 4, 2009 order denying his 28 U.S.C. §2254 petition for federal habeas corpus relief.

To obtain a COA under § 2253(c), a habeas prisoner must make a substantial showing of the denial of a constitutional right, a demonstration that, under *Barefoot v. Estelle*, 463 U.S. 880 (1983)], includes showing that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.

*Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000) (quotation marks and citation omitted). As explained in this Court's order denying the habeas corpus petition, Mr. Byers has not demonstrated that reasonable jurists could debate the denial of this habeas petition nor that his issues deserve encouragement to proceed further. Therefore the Court will not issue a certificate of appealability in this case.

For the foregoing reasons, the court **DENIES** the motion for a certificate of appealability (Doc. No. 31). As also explained in the March 4, 2009 order, any appeal on this matter is not taken in good faith, and no request to Proceed on Appeal *In Forma Pauperis* will be granted. See 28 U.S.C. § 1915(a)(3).

**SO ORDERED.**

**DATED: March 30, 2009**

/s/ ALLEN SHARP  
ALLEN SHARP, JUDGE  
UNITED STATES DISTRICT COURT